UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/528,764	03/22/2005	Calin Turcanu	60091.00384	4676

32294   7590   04/14/2009

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EXAMINER
DOAN, PHUOC HUU

ART UNIT	PAPER NUMBER
2617	

MAIL DATE	DELIVERY MODE
04/14/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

	Application No.	Applicant(s)
Office Action Summary	10/528,764	TURCANU, CALIN
	Examiner	Art Unit	
	PHUOC DOAN	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *07 January 2009*.
2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.
3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-21* is/are pending in the application.
    4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5)☒ Claim(s) *12* is/are allowed.
6)☒ Claim(s) *1-11 and 13-21* is/are rejected.
7)☐ Claim(s) _____ is/are objected to.
8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.
10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.
    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    a)☐ All   b)☐ Some * c)☐ None of:
      1.☐ Certified copies of the priority documents have been received.
      2.☐ Certified copies of the priority documents have been received in Application No. _____.
      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.
4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application
6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including

the fee set forth in 37 CFR 1.17(e), was filed in this application after final

rejection. Since this application is eligible for continued examination under

37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid,

the finality of the previous Office action has been withdrawn pursuant to 37

CFR 1.114. Applicant's submission filed on 01/07/2009 has been entered.

Response to Arguments

1.   Applicant's arguments with respect to claims 1-11, 13-21 have been

considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

2.   The following is a quotation of 35 U.S.C. 103(a) which forms the

basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

Claims **1-11, and 13-21** are rejected under 35 U.S.C. 103(a) as being

unpatentable over Pimentel (US Pub No: 2003/0214970 in view of **Martin**

(US Pub No: 2003/0055912).

As to claim 1, **19**, Pimentel discloses a method comprising: utilizing a

particular protocol **"means for choosing a protocol using a characteristic**

of the mobile terminated message..." between a server "Fig. 5, item 84"

and user equipment "Fig. 5, item 24" (see paragraphs [17-17, 33]) in a

transmission of a messaging service message from a sender in a first system

having a first structure for messages to a receiver of a second system having

a second structure for the message (see paragraphs [14-18] "a wireless

application gateway comprises an application programming interface

receiving a mobile sender and receiver which controlled by formatted a

routing layer selecting a protocols, and choosing a protocol using of the

mobile originated message, generating a formatted mobile originated

message using the protocol to applied a WAP protocol, user mobile device

can sent, received, and displayed the SMS messages on the mobile

telephone". However, Pimentel does not disclose the bearer independent

protocol is above a bearer protocol in a protocol stack.

In the same field of endeavor, Martin discloses the bearer independent

protocol is above a bearer protocol in a protocol stack (see paragraphs [6,

87-89] "**independent protocol defined by protocols are providing access to bearers such as UDP, TCP, and protocol stacks that in that indicated for sub layers protocol to support the SMS message or information message in associated with protocols as specify can be view by mobile device; for example Handheld Device Markup Language (HDML) WEB BROWSER** "). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide of utilizing a bearer independent protocol proving access to bearers as taught by Martin to the system of Pimentel in order to allow it's converted, or formatted a communication messages in reliable telecommunication system.

As to claim 2, Pimentel further discloses the method according to claim 1, further comprising: receiving the message having the first structure in a server comprising an application according to the bearer independent protocol (page 3, par [0031-0033]); converting the message to have a structure of the bearer independent protocol (page 3, par. [0033]), and transmitting the converted message from the server to the receiver's equipment using the bearer independent protocol (page 4, par [0036]).

As to claim 3, Pimentel further discloses the method according to claim 1, further comprising: transmitting the message from the sender's equipment to the receiver's equipment using the bearer independent protocol (page 3, par [0034-0035]).

As to claim 4, 16, 20, 21, Pimentel further discloses further comprising: (page 3, par [0033-0035]); converting the message to have the second structure when the message transmission to the receiver's (page 3, par [0033-0035]; and transmitting the message to the receiver's equipment in the second structure (page 3, par. [0033-0035]).

As to claim 5, Pementel further discloses receiving the message sent from the sender's equipment according to the bearer independent protocol and having a beare independent protocol structure in a server comprising an application according to the bearer independent protocol (paragraphs [38-39]); converting the received message from the bearer independent protocol structure to the second structure (paragraph [36]); and transmitting the converted message from the server to the receiver's equipment (paragraphs [30, 33]).

As to claim 6, Pimentel further discloses the method according to claim 1 further comprising: receiving the message having the bearer independent protocol structure in a server comprising an application according to the bearer independent protocol (page 3, par. [0030], [0034]); converting the message to have the second structure (page 3, par. [0031-0033]); and transmitting the converted message from the server to the receiver's equipment (page 3, par. 0034-0035], page 4, par. [0036]).

As to claim 7, further discloses all the limitations of claim in paragraphs [34] "results of user message success or failure of an MT SM to reach the wireless device and alarms are sent from the protocol layer via a formatted".

As to claim, 17, Pimentel further discloses all the limitations of claim in page 3, par 0034], page 4, par [0036].

As to claim 8, 18, Pimentel further discloses all the limitations of claim in page 4, par. [0041] **"employ an IP interface to provision for UDP/IP services".**

As to claim **9**, **13**, Pimentel discloses a system comprising at a first

system having a first structure for messaging service messages (page 1, par

[0003-0010]); a second system having a second structure for the messages

(page 1, par. [0010], page 2, par. [0014-0018]); and a server "Fig. 1, item 84

that indicated Backend systems 84" via which a message is transmitted from

the first system to the second system **"multiple integrated networks, page

3, par [0029]"** (page 3, par [0030-0034]); wherein the server being

configured to utilize a bearer independent protocol for transmitting the

message (page 3 through page 4, par. [0034-0039]). However, Pimentel does

not disclose the bearer independent protocol is above a bearer protocol in a

protocol stack.

In the same field of endeavor, Martin discloses the bearer independent

protocol is above a bearer protocol in a protocol stack (see paragraphs [6,

87-89] **"independent protocol defined by protocols are providing access

to bearers such as UDP, TCP, and protocol stacks that in that indicated

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BROWSER "**). Therefore, it would have been obvious to one of ordinary

skill in the art at the time the invention was made to provide of utilizing a

bearer independent protocol proving access to bearers as taught by Martin to

the system of Pimentel in order to allow it's converted, or formatted a

communication messages in reliable telecommunication system.

As to claim 10, Pimentel further discloses the telecommunication

system according to claim 9, wherein the first system comprises a network

node having functionality related to messaging services within the first

system (page 3, par [0030]), the network node being configured to recognize

the message sent to the second system and forward the message to the server

(page 3, par [0031-0035]).

As to claim 11, Pimentel further discloses all the limitation of claim

in page 4, par. [0036-0039].

As to claim 14, Pimentel further discloses wherein the processor is

configured (page 4, par [0039]), in response to receiving the message having

the first structure (page 3, par [0035]), to convert the message to have a

structure according to the bearer independent protocol before forwarding the

message (page 4, par [0036]).

As to claim 15, Pimentel further discloses wherein the processor is

configured (page 3, par [0030-0033]), in response to receiving a message

having a structure according to the bearer independent protocol (page 3, par

[0034]), to convert the message to have the second structure before

forwarding the message (page 4, par. [0036]).

Allowable Subject Matter

3.   Claim 12 is allowed.

Conclusion

4.   Any inquiry concerning this communication or earlier

communications from the examiner should be directed to PHUOC DOAN

whose telephone number is (571)272-7920. The examiner can normally be

reached on 10:00AM to 6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the

examiner's supervisor, LESTER KINCAID can be reached on 571-272-

7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PHUOC DOAN/
04/09/09

/Lester Kincaid/
Supervisory Patent Examiner, Art Unit 2617